

## APPREHENSION AND RETURN OF DESERTERS FROM ARMED FORCES

*Exchange of notes at Ottawa June 13 and October 26, 1945*

*Entered into force October 26, 1945*

*Terminated April 28, 1952<sup>1</sup>*

Department of State files

*The American Ambassador to the Secretary of State for External Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA  
*Ottawa, Canada, June 13, 1945*

No. 332

SIR:

I have the honor to state that my Government believes the prosecution of the war would be facilitated by a more speedy and effective return to military jurisdiction of members of the Armed Forces of the United States and Canada who have either deserted or are absent without leave and are located in the territory of the other country.

I have been directed to suggest, therefore, that the Canadian Government may wish to agree that the military authorities of the United States and Canada shall cooperate to the full extent provided by the respective laws and regulations of the two countries in apprehending such offenders and returning them to the custody of the appropriate authority of the government from whose military service they have deserted or are absent without leave.

If this proposal meets with your approval I suggest that my note and your reply constitute the agreement of our two governments on the subject.

Accept, Sir, the renewed assurances of my highest consideration.

RAY ATHERTON

The Right Honorable  
THE SECRETARY OF STATE  
FOR EXTERNAL AFFAIRS,  
*Ottawa.*

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<sup>1</sup> Date of entry into force of treaty of peace with Japan (3 UST (3) 3169). In an exchange of notes at Washington June 2 and July 26, 1952, the United States and Canada concurred in this interpretation of the date of termination.

*The Acting Secretary of State for External Affairs to the American Ambassador*

DEPARTMENT OF  
EXTERNAL AFFAIRS  
CANADA

No. 104

OTTAWA, Oct. 26, 1945

EXCELLENCY,

I have the honour to acknowledge receipt of your Excellency's note No. 332 of June 13, 1945 in which you inform me of your Government's belief that the prosecution of the war would be facilitated by a more speedy and effective return to military jurisdiction of members of the armed forces of the United States and Canada who have either deserted or are absent without leave and are located in the territory of the other country. Consequently, your Government suggests that the Canadian Government may wish to enter into an agreement to the effect that the military authorities of the United States and Canada shall cooperate to the full extent provided by the respective laws and regulations of the two countries in apprehending such offenders and returning them to the custody of the appropriate authority of the government from whose military service they have deserted or are absent without leave.

Before concluding such an agreement, the Canadian Government thought it advisable to make provision in Canadian law for the apprehension and return to the United States of deserters and absentees without leave from the United States Armed Forces. Suitable provision has now been made by Order in Council P. C. 6577 of Oct. 23, 1945, two copies of which are enclosed herewith.<sup>2</sup>

Although actual hostilities have now ceased, it is assumed that the general considerations which prompted the proposals put forward in your above mentioned note remain unchanged and that it is still the desire of your Government that the proposed agreement be concluded.

I have, therefore, the honour to inform your Excellency that my Government is prepared to accept the proposals put forward. The agreement may accordingly be regarded as concluded by your Excellency's Note and this reply thereto.

Accept, Excellency, the renewed assurances of my highest consideration.

H. H. WRONG  
for  
*Acting Secretary of State  
for External Affairs*

THE UNITED STATES AMBASSADOR TO CANADA  
*Embassy of the United States of America,  
Ottawa.*

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<sup>2</sup> Not printed here.